

REMARKS

This application has been carefully reviewed in light of the Office Action mailed June 7, 2004. Claims 1-31 are pending in the Application. Applicant has added two additional dependent claims. Applicant respectfully requests reconsideration and favorable action of all pending claims in view of the following remarks.

Rejections Under 35 U.S.C. § 102 and 103

The Office Action rejects Claims 1-9, 11, 15-19, 21, 24, 25, 28, 30 and 31 under 35 U.S.C. § 102(b) as being anticipated over U.S. Patent No. 5,892,901 to Landwehr et al. ("*Landwehr*") and rejects Claims 10, 12-14, 20, 22, 23, 26, 27 and 29 under 35 U.S.C. § 103(a), as being unpatentable over *Landwehr* in view of U.S. Patent No. 6,185,616 to Namma et al ("*Namma*"), and further in view of U.S. Patent No. 6,249,681 to Virtanen ("*Virtanen*"). Applicant respectfully traverses these rejections for the reasons discussed below.

Claim 1 is allowable at least because the cited reference fails to teach or suggest "comparing the delay time interval to an activity associated with the system communicating with the network", which is recited by Claim 1. Rather, *Landwehr* involves comparing a delay associated with a communication between two devices that are not communicating with the network.

The Office Action asserts that this limitation is met at Col. 3, Lns. 45-65, but that is incorrect. In particular, Col. 3, Lns. 45-65 describes determining whether communication between a user agent 12 and a detector 18 has occurred over a particular period of time; if not, then an interlock 32 isolates circuit 28 from external communication. Thus, external communication with circuit 28 is controlled based on the existence of communication between user agent 12 and detector 18, but communication between circuit 28 and a network is not controlled based on activity associated with circuit 28. For at least this reason Claim 1 is allowable, as is the claims depending therefrom. The remaining independent and dependent claims are allowable for analogous reasons. Reconsideration and favorable action are requested.

Claims 15-18 are allowable for the additional reason that the Office Action has failed to comply with the requirements of M.P.E.P. § 2183 in rejecting claims having means plus function limitations. In particular, that passage requires the Examiner to “provide an explanation and rationale in the Office Action as to why the prior art element [allegedly corresponding to the claimed function] is an equivalent” of the corresponding structure in Applicant’s specification. The Office Action fails to identify the allegedly corresponding structure in *Landwehr* it contends meets the claimed function and to provide the required explanation and rationale regarding equivalence. Indeed, the Office Action’s entire treatment of claims 15-18 consisted of the single sentence stating: “Claims 15-18 are substantially equivalent to Claims 1-4 respectively [method claims], therefore claims 15-18 are rejected because of similar rationale.” In short, the Office Action asserts the claimed function is met but does not address whether the structural component of the means plus function limitations is met, which is clearly improper. Claims 15-18 are allowable for this additional reason.

New dependent Claims 32 and 33 are allowable for the additional reason that the cited references do not teach the additional limitation reciting wherein the activity “associated with the system is any communication between the system and the network.” Favorable action is requested.

CONCLUSION

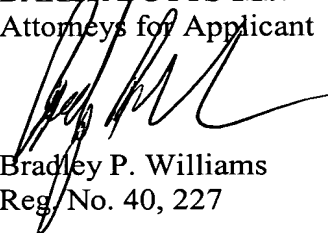
Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6447.

A check in an amount of \$36.00 made payable to the Commissioner of Patents and Trademarks is attached hereto for adding two (2) dependent claims. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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